

**IN THE JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTY
COURT NO. 17**

**COURT ADDRESS:
23730 SHORTLY ROAD
GEORGETOWN DE 19947**

CIVIL ACTION NO: JP17-11-003555

LITTLE CREEK MCU VS JONETTA BOND

**SYSTEM ID: @2396106
JONETTA BOND
308 LITTLE CREEK
LAUREL DE 19956**

Appearances: Julie Smith represented the plaintiff in accordance with Supreme Court Rule 57. Eleanor Kiesel, Esquire, Community Legal Aid Society Inc., Georgetown, represented the defendant.

Before: Sheila G. Blakely, Deputy Chief Magistrate; Richard D. Comly and John C. Martin, Justices of the Peace

Martin for the Court

NOTICE OF JUDGMENT/ORDER

The Court has entered a judgment or order in the following form:

On June 27, 2011 the plaintiff filed this action seeking to recover unpaid rent and possession of the rental property located at 308 Little Creek Apartments, Laurel, Delaware. Trial was held on July 28, 2011 and judgment was entered on behalf of the plaintiff. On August 4, 2011 the defendant filed a timely appeal of this judgment pursuant to 25 *Del.C.* §5717. This is the decision of the three Judge Panel hearing the appeal as a trial *de novo* on August 29, 2011.

HISTORY

The plaintiff's representative testified that pursuant to standard practices, a recertification process was conducted with the defendant beginning in January 2011. This required the defendant to identify all of her income and assets. In doing so, she swore by affidavit that she received \$195.00 per month from child support plus other income. The amounts she provided were used to set her monthly rent in the amount of \$55.00 beginning in May. In February, she signed an acknowledgement that she understood this rent requirement.

The defendant did not pay her May rent and she was sent a notice letter for non-payment. When the defendant failed to pay any rent since May, this action was filed. As of the date of trial, the defendant owed monthly rent of \$55.00 for May, June, July and August plus a late fee of \$2.75 for each of these months.

The defendant testified that the amounts used to calculate her rent were incorrect because she did not receive child support and other payments on a regular basis. She brought these errors to the attention of a staff person in the plaintiff's office but no efforts were made to correct the errors. The defendant introduced a ledger maintained by the Delaware Office of Child Support Enforcement that showed only sporadic payments to her from this source.

DISCUSSION

There was little dispute between the parties on the facts of this case. It was clear that the plaintiff correctly processed the recertification of the defendant based on the information that the defendant provided; however, it was equally clear that the information was incorrect. The defendant had several opportunities during the recertification process to correct the misinformation, but she did not do so. It was also uncontested that the defendant did not pay the rent due even after receiving a demand notice from the plaintiff.

ORDER

Therefore, after considering all the evidence presented, the Court enters judgment on behalf of the plaintiff and against the defendant in the amount of \$231.00, which consists of rent and late fees from May through August. Court costs of \$40.00 are also awarded to the plaintiff along with post judgment interest at the legal rate of 5.75% per annum. The Court finds that this is a good faith dispute within the meaning of 25 Del.C. §5716. If the defendant pays the full amount of this judgment within ten days, possession of the rental unit will remain with her. If this amount is not paid within this time, possession is awarded to the plaintiff.

IT IS SO ORDERED this 31st day of August, 2011


Justice of the Peace/Court Official

